

Application No.: 10/758,311

Docket No.: 65783-0038

REMARKS

Claims 1-26 are pending. Applicant thanks the Examiner for indicating that claims 1-9 and 15-26 are allowed. The Examiner has rejected claims 10-14 under 35 U.S.C. §102(b) as being anticipated by Yamamoto (U.S. Patent No. 6,262,545). Applicant respectfully traverses this rejection and requests reconsideration of the rejected claims in view of the following remarks.

The pending claims are directed to a system and method for eliminating a sneak path in a dual-speed direct current (DC) motor. The specification clearly defines the sneak path, as is referred to in the pending claims, as an electric motive force (EMF) generated by the spinning of an armature of a DC motor that generates an unintended current path. In the present case, a sneak path occurs when the DC motor is in high speed mode. The sneak path is the result of a high EMF that is generated on the low speed terminal of the DC motor while operating in high speed mode. (See Figure 4). This current, generated from the high EMF on the low terminal of the motor, undesirably flows to the low speed motor control circuitry potentially damaging the components. In the present invention, the sneak path current is prevented from passing to other circuitry components by placing a solid-state switch into the potential sneak path. For example, independent claim 10 recites, "a solid-state switch electrically coupled in said potential sneak path, wherein a first side of said solid-state switch is coupled to a power supply side of said circuit and a second side of said solid-state switch is coupled to a load side of said circuit." Applicant respectfully submits that the Yamamoto reference does not disclose a solid-state switch that is electrically coupled to a potential sneak path, as required by independent claim 10. In fact, Yamamoto bears no reference at all to a sneak path in the circuit.

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Rather, Yamamoto discloses a dual-speed spindle motor control that is capable of switching between a high efficiency mode and a high performance mode. (See col. 3, lines 31-35). The switching operation is achieved by using a transistor switch controlled by a main processor. (See col. 3, lines 46-48). Essentially, the processor turns "off" the transistor switch in high speed mode, cutting off a standard 5V power supply feed that is used as a voltage source in low speed mode. When returning to low speed mode, the transistor switch is turned back "on", allowing the 5V source to feed the motor driver. Yamamoto does not disclose, teach or suggest in any manner, a circuit having a potential sneak path. In fact, in rejecting claims 10-14, the Examiner merely refers to Yamamoto as disclosing, "a potential path". (See the Office Action, page 2, item 2). A person of ordinary skill in the art clearly understands that a potential path from a circuitry standpoint is not the same as a sneak path, as required by the rejected claims.

It is well settled that to anticipate a claim, the reference must teach every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Further, the identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). In this case, Yamamoto clearly does not disclose a solid-state switch electrically coupled in said potential sneak path, as required by the rejected claims. Consequently, independent claim 10 is not anticipated by Yamamoto and is in condition for allowance. Similarly, claims 11-14, which depend from claim 10, are also in condition for allowance. Accordingly, Applicant respectfully requests withdrawal of the rejection.

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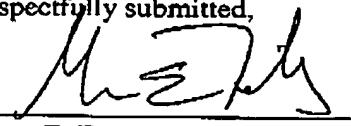
CONCLUSION

Reconsideration and allowance are respectfully requested. In view of the above, each of the presently pending claims in this application is believed to be in condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No.18-0013, under Order No. 65783-0038 from which the undersigned is authorized to draw.

Dated: March 30, 2005

Respectfully submitted,

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